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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/198,022	11/23/98	RHOADS	4830-51475/W

LM31/0908  
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EXAMINER  
TADAYON, B

ART UNIT	PAPER NUMBER
2721	13

DATE MAILED: 09/08/00

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 13

Application Number: 09/198,022  
Filing Date: November 23, 1998  
Appellant(s): Rhoads

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Mr. Joel R. Meyer  
For Appellant

**EXAMINER'S ANSWER**

This is in response to appellant's brief on appeal filed July 3, 2000.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

Art Unit:

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. However, examiner thinks that the following appeal cases are related to the current appeal case, and therefore, they should be considered in relation with the current appeal case:

09/150,147 (Examiner Bijan Tadayon, AU 2721, is working on this case.)

09/408,886 (Examiner Jose Couso, AU 2721, is working on this case.)

Art Unit:

**(3) Status of Claims**

The statement of the status of the claims contained in the brief is correct. However, the argument given for double-patenting rejection was convincing, and therefore, the double-patenting rejection is withdrawn for all claims. Thus, the current status of the claims is as follows:

Claims 7 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 17 is allowable over the prior art of record.

However, claims 1-6, 8-13, and 15-16 are still rejected under 35 U.S.C. 102 (b) as being anticipated by Nathans. This rejection is set forth in prior Office action, Paper No. 6.

Therefore, the only remaining issue is the art rejection under 35 U.S.C. 102 (b) (for claims 1-6, 8-13, and 15-16) as being anticipated by Nathans.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Invention**

The summary of invention contained in the brief is correct.

**(6) Issues**

Art Unit:

The appellant's statement of the issues in the brief is correct. However, the argument given for double-patenting rejection was convincing, and therefore, the double-patenting rejection is withdrawn for all claims. Thus, the current status of the claims is as follows:

Claims 7 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 17 is allowable over the prior art of record.

However, claims 1-6, 8-13, and 15-16 are still rejected under 35 U.S.C. 102 (b) as being anticipated by Nathans. This rejection is set forth in prior Office action, Paper No. 6.

Therefore, the only remaining issue is the art rejection under 35 U.S.C. 102 (b) (for claims 1-6, 8-13, and 15-16) as being anticipated by Nathans.

**(7) *Grouping of Claims***

Appellant's brief includes a statement that claims 1-6, 8-13, and 15-16 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) *Prior Art of Record***

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

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4,972,476

NATHANS

11-1990

**(10) *Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-6, 8-13, and 15-16 are rejected under 35 U.S.C. 102 (b) as being anticipated by Nathans. This rejection is set forth in prior Office action, Paper No. 6.

However, the argument given for double-patenting rejection was convincing, and therefore, the double-patenting rejection is withdrawn for all claims.

**(11) *Response to Argument***

1. With regard to argument given for double-patenting rejection on page 5 of Appeal Brief, the argument was convincing, and therefore, the double-patenting rejection is withdrawn for all claims.

2. As to art rejection for claim 1, as discussed on pages 7-8 of Appeal Brief, it is stated that the reference does not teach steganographic encoding, security document, and encoding to secretly convey plural bits of digital data in a graphic. It is also argued that the scrambled data cannot be called encoded data because the data cannot be decoded.

In response, Examiner disagrees because as shown on fig. 2 or col. 3 lines 15-25 of the reference, the reference teaches scrambled pixel column, scrambled stripe, using only one or two pixel columns, and changing very slightly the facial image of a person.

Note that encoding is a very broad term: For a given data, any change of that data by a method is called encoding the data, and the result is called encoded data.

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In addition, the encoding process does not have to be reversible, or does not have to be decodable. For example, DCT is a lossy compression, and thus, is considered an encoding scheme. However, the inverse DCT does not yield the original data, due to the fact that DCT is a lossy compression, and losses some of the data during compression step. In addition, if an image is combined with random data or combined with noise (which is considered an encoding process), then the original image may not be recoverable. Thus, scrambling or changing the facial image data of the reference refers to encoding the facial image data.

Also, see col. 1 lines 40-60: This refers to counterfeit card, unauthorized bearer, and scrambled key embedded. The embedded key refers to encoding. Counterfeit card and its recognition refer to security and security document.

Also, see lines 25-30 col. 1, which refer to authentication of the bearer of the card. This refers to authentication and security document.

With regard to stagenographic feature, the phrase refers to hiding the data, without being too obvious. Using only one or two pixel columns to change the facial data in reference refers to hiding the data, without being too obvious. Thus, it refers to stagenographic feature.

In addition, note that the degree of hiding or degree of stagenographically encoding or degree of obviousness of encoding is very subjective, and depends on the context, situation, or environment. In principal, there is no absoluteness in the concept of hiding, or being obvious, or stagenographically encoding. This is a relative term, and can be stated only with respect to another situation or method. For example, image A may be hidden in image B, according to

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person W, who has a bad eye sight. However, the same image might be apparent and obvious and not-hidden, according to person X, who has a good sight, or who is equipped with a good magnifier. Thus, the term stagenographic is very broad, and depends on the context, and thus, has different meanings and degrees in different situations.

Thus, the reference teaches stagenographically encoding (or encoding to secretly convey).

Also, see the abstract of the reference, which says (as one of the application of the invention): for investigation of unlawful use. This refers to security. Also, figure 2 shows an ID card, which refers to a document. Thus, in addition to reasons given above, the reference teaches security document.

Also, see col. 1 lines 50-60: digital data recorded upon the card, scrambled key embedded, and unscrambled by an algorithm. This refers to digital data. Also, see col. 3 lines 20-25: one or two scrambled pixel columns. These refer to digital data (and plural bits).

Also, see the picture of the person on fig. 2: This refers to graphic or image.

Thus, the rejection was proper.

3. As to art rejection for claim 4, as discussed on page 8 of Appeal Brief, it is stated that the reference does not teach that the digital data corresponds to at least part of said printed text.

In response, Examiner disagrees because the reference teaches that the digital data corresponds to at least part of said printed text (see col. 7 lines 27-41: social security number



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and password. See col. 7 lines 55-65: clerk's initials on the card. See col. 1 lines 30-50: This refers to printing name and issuing agency, and drivers license. These refer to digital data corresponding to printed text.).

Thus, the rejection was proper.

4. As to art rejection for claim 5, as discussed on page 9 of Appeal Brief, it is stated that the reference does not teach that the digital data serves as an index into a registry containing additional information.

In response, Examiner disagrees because the reference teaches that the digital data serves as an index into a registry containing additional information (see col. 7 lines 27-41: social security number and password. See col. 7 lines 55-65: clerk's initials on the card. See col. 1 lines 30-50: This refers to printing name and issuing agency, and drivers license. These refer to additional information. See col. 4 lines 40-55: swap tables, 3 digit number, and verifier. The 3 digit number refers to additional information, and swap table refers to registry and index.).

Thus, the rejection was proper.

5. As to art rejection for claim 6, as discussed on page 9 of Appeal Brief, it is stated that the reference does not teach that it does not visibly interrupt said graphic.

In response, Examiner disagrees because the reference teaches that it does not visibly interrupt said graphic (as shown in rejection for claim 1 above, the reference teaches stagenographically encoding, which refers to not visibly interrupting the graphic.).

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Thus, the rejection was proper.

6. As to art rejection for claim 8, as discussed on page 9 of Appeal Brief, it is stated that the reference does not teach that the digital data cooperate to verify the authenticity of the security document.

In response, Examiner disagrees because the reference teaches that the digital data cooperate to verify the authenticity of the security document (as shown in claim 1 above, the reference teaches authenticity and security document.).

Thus, the rejection was proper.

7. As to art rejection for claim 11, as discussed on page 9 of Appeal Brief, it is stated that the reference does not teach that the digital data corresponds to at least part of said printed text.

In response, Examiner disagrees because the reference teaches that the digital data corresponds to at least part of said printed text (see the reason of claim 4 above).

Thus, the rejection was proper.

8. As to art rejection for claim 12, as discussed on page 10 of Appeal Brief, it is stated that the reference does not teach that the digital data serves as an index into a registry containing additional information.

In response, Examiner disagrees because the reference teaches that the digital data serves as an index into a registry containing additional information (see the reason of claim 5 above).

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Thus, the rejection was proper.

9. As to art rejection for claim 13, as discussed on page 10 of Appeal Brief, it is stated that the reference does not teach that it does not visibly interrupt said graphic.

In response, Examiner disagrees because the reference teaches that it does not visibly interrupt said graphic (see the reason of claim 6 above).

Thus, the rejection was proper.

Art Unit:

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

September 7, 2000

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Mr. Samir Ahmed, AU 2723

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